

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 10-CV-4257
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO, et al.,)	Magistrate Judge Sheila M. Finnegan
)	
Defendants.)	

DEFENDANTS' STATUS REPORT

Pursuant to the Court's Order dated May 15, 2013, Defendants City of Chicago (the "City"), Mayor Rahm Emanuel, Superintendent of Police Garry McCarthy, and Chicago City Clerk Susana Mendoza (collectively, "Defendants"), by their counsel, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby submit this status report.

1. The Court held a status in this case on May 15, 2013. Counsel for Defendants was present, but Plaintiffs' counsel, Walter Maksym, was not. Defendants' counsel reported to the Court that Plaintiffs did not file a third amended complaint by December 17, 2012, as allowed by the Court in its order dated October 18, 2012. Defendants' counsel further reported that Mr. Maksym had reported to Magistrate Judge Finnegan on February 6, 2013, that he intended to seek leave to file a third amended complaint and to extend the discovery schedule set by the Court, but that Mr. Maksym had not done so. Finally, Defendants' counsel noted that Mr. Maksym was not present at the last status before Magistrate Judge Finnegan and was tardy in responding to discovery timely issued by the City.

2. The Court noted that Mr. Maksym had reported to the Court on prior occasions that he had been ill, and asked Defendants' counsel to contact Mr. Maksym, ascertain his intentions with

respect to the instant litigation, and prepare and file a short status report.

3. Defendants' counsel spoke with Mr. Maksym on May 15, 2013 and again on June 3 and 4, 2013. Mr. Maksym asked Defendants' counsel to notify the Court that he had surgery in November, 2012 and was hospitalized and in rehabilitation until January, 2013. He fell ill again in February, 2013, and was hospitalized for multiple surgeries in April, 2013. In May, 2013, he was moved to a rehabilitation center for further treatment, which is ongoing and expected to continue for the foreseeable future. Mr. Maksym indicated that due to his hospitalization and rehabilitation, Plaintiffs have retained David Sigale, Esq. as counsel, and he expected that Mr. Sigale would be filing a motion for substitution of counsel shortly. Thereafter, Plaintiffs intend to file a motion seeking leave to file a third amended complaint and to amend the discovery schedule. Mr. Maksym did not provide dates by which Plaintiffs would take any of these actions.

4. Because Defendants do not know at this time the basis for Plaintiffs seeking leave to file a third amended complaint or the contents of the proposed third amended complaint, Defendants reserve the right to object to any such motion. Defendants also reserve their right to move to dismiss any claim contained therein.

5. Mr. Maksym indicated to Defendants' counsel that due to his hospitalization, he would be unable to attend the status conferences set for June 20, 2013 at 9:30 a.m. before the Court and Magistrate Judge Finnegan.

Date: June 5, 2013

Respectfully submitted,

STEPHEN R. PATTON
Corporation Counsel for the City of Chicago

By: /s/ William Macy Aguiar
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